

DARRYL J. HOROWITT #100898
CHRISTINE J. LEVIN #192181
COLEMAN & HOROWITT, LLP
Attorneys at Law
499 West Shaw, Suite 116
Fresno, California 93704
Telephone: (559) 248-4820
Facsimile: (559) 248-4830

Attorneys for Plaintiff,
SUSAN SANDELMAN, AS TRUSTEE
OF THE ESAN TRUST

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SUSAN SANDELMAN, AS TRUSTEE
OF THE ESAN TRUST,

Plaintiff,

v.

B&B PROPERTY MANAGEMENT, LLC,
dba BELLACH'S LEATHER FOR
LIVING,

Defendant.

NO. C 08 00681 HRL

**REQUEST TO ENTER DEFAULT BY
CLERK PURSUANT TO F.R.C.P. 55**

TO THE HONORABLE COURT AND ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:

Plaintiff, SUSAN SANDELMAN, AS TRUSTEE OF THE ESAN TRUST (hereinafter
"Plaintiff"), hereby requests that the Clerk of the above-entitled Court enter default in this matter
against Defendant, B&B PROPERTY MANAGEMENT, LLC (hereinafter "Defendant"), on the
ground that said Defendant has failed to appear or otherwise respond to the complaint within the
time prescribed by the Federal Rules of Civil Procedure and as follows:

1. Plaintiff filed its complaint against Defendant for breach of promissory note,
money lent, foreclosure of deed of trust, and claim and delivery on January 29, 2008.
2. On February 8, 2008, Plaintiff served the complaint on Defendant, by substituted

1 service.

2 3. A copy of the summons and proof of service was submitted to this court on
3 February 15, 2008.

4 4. The time for filing an answer or other response as to Defendant expired on
5 March 12, 2008.

6 5. Defendant has failed to appear or otherwise respond to the complaint within the
7 time prescribed by the Federal Rules of Civil Procedure.

8 6. Pursuant to Rule 55(a), because Plaintiff has filed a well-pleaded complaint and
9 because Defendant has failed to timely respond, "the clerk shall enter the party's default."

10 7. Pursuant to Federal Rule of Civil Procedure, Rule 55 (b)(1), the computation of
11 the sum of money owed is easily made as it is contractually based.

12 WHEREFORE, Plaintiff requests the Clerk of the Court enter the default of Defendant
13 B&B PROPERTY MANAGEMENT, LLC.

14
15 Dated: April 4, 2008

Respectfully submitted,

COLEMAN & HOROWITT, LLP

16
17 By: 

DARRYL J. HOROWITT
Attorneys for Plaintiff,
SUSAN SANDELMAN, AS TRUSTEE
OF THE ESAN TRUST

18
19
20
21 Default entered on (specify date): _____

22
23 CLERK OF THE U.S. DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA

25
26 By: _____
27 Deputy Clerk
28

DECLARATION OF DARRYL J. HOROWITT

I, DARRYL J. HOROWITT, declare as follows:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California, including the Northern District of California, and am a partner of the law firm of COLEMAN & HOROWITT, LLP, attorneys of record for Plaintiff, SUSAN SANDELMAN, as Trustee of the Esan Trust.


2. I have personal knowledge of the facts contained herein and if called upon as a witness, I could testify competently thereto.

3. This declaration is filed in support of Plaintiff's Request to Enter Default.

4. As of the date of the filing of this request, I have received no response to the complaint from Defendant.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 4, 2008, at Fresno, California.



DARRYL J. HOROWITT

PROOF OF SERVICE

I declare that I am a resident of the County of Fresno. I am over the age of eighteen (18) years and not a party to the within action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704.

On April 4, 2008, I served the foregoing document(s) described as **REQUEST TO ENTER DEFAULT BY CLERK PURSUANT TO F.R.C.P. 55 and DECLARATION OF DARRYL J. HOROWITT** on the interested parties, addressed as follows:

B&B Property Management, LLC
4695 Stevens Creek Blvd.
Santa Clara, CA 95051

B&B Management Group, LLC
P.O. Box 1336
Belvedere, CA 94920

B&B Property Management, LLC
P.O. Box 3270
San Rafael, CA 94912

Mikel D. Bryan, Esq.
Law Office of Mikel D. Bryan
550 Doyle Park Dr.
Santa Rosa, CA 95405

☒ BY MAIL - by placing ☒ a true and correct copy ☐ the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with United States Postal Service on that same day in the ordinary course of business.

☐ BY CALIFORNIA OVERNIGHT - by placing ☐ a true and correct copy ☐ the original thereof enclosed in a sealed envelope for delivery via California Overnight next day delivery to the addressee noted above.

☐ BY HAND DELIVERY - by delivering by hand and leaving a true copy with the person and at the address shown above.

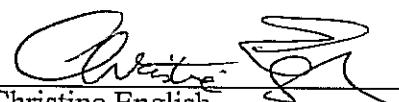
☐ BY FACSIMILE TRANSMISSION - by causing a true facsimile thereof to be electronically transmitted to the parties, by using their facsimile number indicated below.

Facsimile No.

☐ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on April 4, 2008, at Fresno, California.


Christine English